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SUBJECT: TURKEY/TIP: STRONG COMMITMENT, UNEVEN
IMPLEMENTATION REPORTED TO VISITING G/TIP OFFICIAL

REF: A. ANKARA 1709

[1](#)B. ANKARA 1956

[1](#)1. (U) Sensitive but unclassified. Not for internet distribution.

[1](#)2. (SBU) SUMMARY: GOT, NGO, and IOM experts discussed with visiting G/TIP Foreign Affairs Officer Jennifer Donnelly December 15-17 the considerable progress Turkey has made in the fight against trafficking in persons (TIP) since the issue first appeared on the GOT agenda in 2002:

- A national action plan was adopted;
- Forced prostitution and TIP were criminalized specifically with penalties of eight to twelve years;
- An interagency taskforce was convened;
- A victim referral mechanism was developed in partnership with IOM and NGOs;
- Two dedicated TIP shelters and a helpline were established;
- International cooperation was strengthened;
- Extensive and ongoing training for law enforcement and judicial personnel have been provided.

Yet recent progress has been uneven and GOT efforts are characterized by key NGO/IGO contacts as stalled or even backsliding: a second national action plan remains unsigned; the shelters face a continued struggle to secure long-term, dedicated funding; and the overall number of victims identified and assisted has dropped for a second year in a row. The GOT has taken measures to reduce demand for commercial sex acts by closing some legal brothels, but the impact on Turkish women in prostitution may be negative, as more prostitutes are forced to work on the street, subject to abuse, including from local police. More positively, GOT officials provided data reporting an increased number of police officials prosecuted for participating in TIP, underscoring the GOT's zero tolerance for official involvement in TIP. The GOT has also implemented a second EU-funded nationwide public awareness campaign and continued to strengthen international anti-TIP cooperation. END SUMMARY.

[1](#)3. (SBU) G/TIP Foreign Affairs Officer Jennifer Donnelly visited Istanbul (December 15-16) and Ankara (December 16-17) for meetings with senior Turkish National Police (TNP), Jandarma, MFA and Ministry of Justice (MOJ) officials, the IOM Turkey Chief of Mission, and the International Blue Crescent Secretary General. Donnelly met with the presidents, administrators and staff of the two NGOs operating Turkey's two dedicated TIP shelters, in Ankara and Istanbul, and visited the Istanbul shelter, where she had the opportunity to meet with two assisted victims. Donnelly also

discussed prostitution in Turkey with current and former sex workers and activists seeking to advance the rights and protections of Turkish sex workers.

SECOND NATIONAL ACTION PLAN STILL AWAITS
SIGNATURE, BUT IMPLEMENTATION BEGINS

¶4. (SBU) MFA Acting Depart Head for Asylum and Illegal Migration Nilufer Kaygisiz gave an overview of GOT efforts to combat TIP. MFA leads the interagency TIP taskforce, which has grown to include dozens of agencies, municipalities and NGO participants. The taskforce now meets bi-monthly. GOT agencies have approved a second National Action Plan (NAP), which is presently awaiting the Interior Minister's signature before it can be forwarded to the PM. According to Kaygisiz, the delay (nearly one year) is a function of competing demands on the minister; there is no political-level objection to the NAP's content. Kaygisiz emphasized that implementation of the second NAP, with the support of the EU's two-year, three million Euro anti-TIP project, has already begun. She outlined its six sectoral plans:

- Policy and Strategy;
- Awareness Raising;
- Expanded Victim Support and Assistance;
- Legal and Administrative Revisions;
- Institutional Cooperation;
- Technical, Equipment and Quality Control.

¶5. (SBU) A new public awareness campaign was launched in June (ref A), with a welcome focus on trafficking for labor exploitation. Donnelly noted a poster in the Istanbul airport with the "157" help-line number advertised

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prominently. The GOT also adopted in 2008 a witness protection law. While not TIP-specific, the measure, guaranteeing the confidentiality and security of witnesses, should improve the rate of victim cooperation in TIP prosecutions. The GOT has also commissioned a report on demand for trafficking victims in Turkey. The taskforce is expecting the report imminently; it should enhance, in particular, understanding of domestic trafficking in Turkey and how labor exploitation contributes to TIP. (NOTE: To date, the GOT's efforts to combat TIP have focused on international trafficking for sexual exploitation. END NOTE.) In addition, the taskforce has also commissioned an outside report, expected January 2009, on how to improve institutional cooperation within Turkey in the fight against TIP. The report will advise how the taskforce can improve efficiency, how law enforcement agencies and units can improve communication, and how NGO cooperation can be strengthened further. (NOTE: Donnelly was scheduled to meet with Middle East Technical University Professor Dr. Ayse Ayata, who prepared the demand report, and is, we believe, also leading the institutional assessment. Ayata canceled due to illness; post TIP officer will follow-up and report septel. END NOTE.)

STILL NO SOLUTION ON SHELTER FUNDING

¶6. (SBU) Kaygisiz, like her GOT counterparts, lamented that the GOT has not reached a long-term, sustainable solution on funding for the two NGO-run anti-trafficking shelters. As reported in ref B, the EU funds supporting the shelters presently will expire in May for the Ankara shelter and September for the Istanbul shelter. Donnelly's GOT interlocutors understood that the uncertainty facing the shelters is an obstacle to Turkey's meeting the minimum requirements for the elimination of TIP and reaching Tier 1. To underscore its commitment to reaching a solution, MFA has pledged \$20,000 per shelter per year for three years, but that is barely ten percent of the shelters' annual budgets. Donnelly's GOT contacts said they are working hard to lobby political contacts to make sure a solution is reached as soon as possible. TNP Foreigners' Department Chief Mehmet

Terzioglu was largely alone, however, in expressing confidence that a solution would be reached soon.

17. (SBU) Human Resource Development Foundation (HRDF) President Turgut Tokus and Executive Director Berna Eren, whose NGO runs the Istanbul shelter, told Donnelly that the GOT's failure to provide consistent funding for the shelters is the main problem in the effort against TIP. "We are going in reverse on this issue and the government needs a warning," Tokus said. "There is no interest from the political side." Following an audit of city finances, the Istanbul governor informed the municipality that its provision of free rent to the TIP shelter is unauthorized, despite the signing in 2003 of a protocol between HRDF and the city (witnessed by then-FM Gul and former Secretary Powell). Eren explained that HRDF learned in June of new legislation prohibiting the municipality from funding NGOs of any stripe. HRDF has maintained that the protocol is legally binding, but the governor has retorted that the municipal council never approved it. While the municipality is obliged legally to provide shelter and care to people in need, the governor has said each victim would have to apply individually for assistance. (NOTE: The current Istanbul governor is reportedly being reassigned as Turkey's Ambassador to the "Turkish Republic of Northern Cyprus." His successor may take a more magnanimous view toward the protocol. In a meeting with the Ambassador December 30, State Minister for Women's and Children's Affairs Nimet Cubukcu promised to raise the issue with the governor. END NOTE.)

18. (SBU) Tokus emphasized that money is not the problem. While Turkey has a challenging budget environment, the Istanbul shelter's rental costs, which HRDF has been assuming since June, are a mere \$35,000 out of an annual shelter budget of only \$180,000. The GOT's mentality is the problem, Tokus maintained. Asked why this mentality has persisted after five years of good progress on TIP, Tokus posited that the bureaucrats might believe the problem is solved. The numbers of victims assisted at the Istanbul shelter are down substantially over the past two years. Indeed, Donnelly visited the Istanbul shelter where, in addition to a Russian-speaking caretaker, two trafficking victims were resident: one minor trafficked from Uzbekistan for sexual exploitation and an Indonesian woman trafficked through Dubai

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for domestic servitude. Including its current residents, only six minors have stayed at the shelter in the last three years. According to Eren, GOT victim identification shortcomings have reduced the number of victims referred to the shelters (see paragraph 17).

19. (SBU) According to Gulsen Ulker Al, President of the Foundation for Women's Solidarity (FWS), which runs the Ankara shelter, and her team of administrators, the Ankara shelter faces similar problems. While the Ankara municipality provides the building free of charge and pays for gas (the city had paid for water too, but FWS has had to assume that charge recently, with no explanation), and the Ministry of Health free medical care, FWS does not know from where it will receive its operating funds after May 2009. It too fears that it will be more difficult to secure funding when the shelter is operating way below capacity, caring for only one guest presently when it is equipped to care for twelve at a time. The numbers of victims assisted by FWS this year will be barely one third the number in 2006, but the operating expenses -- mostly staff costs -- are largely fixed. Asked why the number of victims assisted is down, FWS staff surmised that changes in the traffickers' methodologies -- such as paying trafficking victims small amounts of money -- have resulted in fewer identifications. Terzioglu suggested effective law enforcement has also deterred traffickers, resulting in fewer victims trafficked; Istanbul prosecutor Faruk Kurtoglu opined that enhanced media focus on TIP has helped reduce the number of women victimized.

¶10. (SBU) The GOT is emphasizing its commitment to ensuring victim protection by working to establish a new trafficking shelter in Antalya, a trafficking hotspot. Terzioglu told Donnelly that the shelter should be open before local elections in March 2009. The Antalya mayor, he said, is expected to win re-election, but he does not wish to leave it to chance. Tokus told us that he traveled recently to Antalya with Terzioglu, whom he praised as hard-working and sincere, to lobby the mayor and that he has offered to train an Antalya-based NGO to operate the new shelter. While the utility of a new shelter is questionable given the existing shelters' spare capacity, an Antalya-based shelter should reduce the amount of time before a victim rescued in southern Turkey can be screened and transferred out of a detention facility and into a shelter.

"157" HELPLINE OPERATION TO BE TRANSFERRED
TO TNP; TURKEY TO SIGN COE ANTI-TIP CONVENTION?

¶11. (SBU) Kaygisiz and Terzioglu, along with IOM Chief of Mission Maurizio Busatti and Senior Researcher Meltem Ersoy, confirmed that measures are in place to transfer the operation of the "157" helpline from IOM to TNP. As reported in ref B, with the EU guaranteeing funding through the end of 2009, it is unlikely TNP will take the helpline over earlier. The Ministry of Finance has already guaranteed funding for the helpline and Terzioglu sought to assure Donnelly that there will be money in his budget in 2010; he has already begun interviewing staff. IOM is working with TNP to assure that the handover does not result in service gaps or weaken the helpline's effectiveness.

¶12. (SBU) Another issue high on the taskforce's agenda is signing the Council Of Europe anti-TIP convention. Kaygisiz predicted that Turkey will sign the convention "very soon." The GOT wants to make sure Turkey is prepared to ratify and implement the convention's provisions upon signing. (NOTE: While Turkey supports the convention's compensation mechanism in principle, it has had some concerns about it being abused by source countries. Nevertheless, GOT officials have told us the convention could provide a means through which source countries and Turkey reconcile their respective definitions of who is a victim; Turkey maintains that its law tracks the Palermo Convention definition closely (see ref B). END NOTE.)

INTERNATIONAL COOPERATION DEEPENS;
NUMBER OF CENTRAL ASIAN VICTIMS GROWING

¶13. (SBU) GOT contacts reported continued efforts to strengthen international cooperation with source countries. Turkey has signed bilateral protocols with Georgia, Moldova, Ukraine, Belarus and Kyrgyzstan. Kaygisiz said improving these protocols is a key element of the second NAP, though she emphasized that bilateral cooperation is already strong. The GOT regularly exchanges expert delegations with

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neighboring countries, such as Georgia and Moldova; a Moldovan consular delegation visited three weeks ago and TIP was on the agenda. Istanbul Foreigners' Police Unit Head Ilhami Huner, however, said cooperation with Moldovan and Belarussian authorities is not as strong as with Ukraine, and contended that Russia appeared to care little about the problem.

¶14. (SBU) A growing trend toward victims originating from the Turkic Republics of Central Asia and Azerbaijan has prompted the GOT to plan to propose new protocols with, in particular, Azerbaijan, Uzbekistan and Turkmenistan. (Terzioglu opined that this trend may be the result of Turkey having recently waived the tourist visa requirements for Azerbaijani and Central Asian nationals.) During a meeting with sex workers and advocates, one sex worker told Donnelly that she had witnessed Iraqi refugees beginning to be trafficked to Turkey for sexual exploitation, but GOT contacts did not confirm this. The sex workers also observed a growing number of

Azerbaijani and Armenian women in prostitution. Istanbul contacts maintained that Azerbaijanis are not usually trafficked, but rather arrive and operate independently, as they know the language. Eren told Donnelly that, while her NGO contacts in Armenia maintain a high number of Armenian women trafficked to Turkey, HRDF has only seen five Armenian victims in the last three years. She considered the number of Armenians to be comparatively small.

¶15. (SBU) The GOT has also remained engaged multilaterally, elevating TIP awareness through its past chairmanship of the Budapest Process working group on TIP and of the Black Sea Economic Cooperation (BSEC) Organization. MFA and MOJ contacts informed Donnelly that Turkey, with IOM support, hosted an international legal assistance cooperation conference with source country representatives in November in Istanbul (meeting report e-mailed to G/TIP), while the Prime Ministry Women's Directorate just hosted a regional NGO TIP conference in Ankara.

ARRESTING TRAFFICKERS, BUT GAPS REMAIN IN VICTIM IDENTIFICATION AND PROTECTION PROCEDURES

¶16. (SBU) Law enforcement contacts stressed to Donnelly their commitment to the fight against trafficking. Jandarma Organized Crime and Smuggling Department Commander Ferhat Konya described the challenges his agency, which has responsibility for 92 percent of Turkish territory, including the land border with Iraq and part of Iran, faces in the fight against TIP. He stressed his agency's continuing efforts to raise awareness of TIP and the expanded training of Jandarma personnel throughout the agency's 14 regional commands. He lauded the success Jandarma has had apprehending traffickers and praised cooperation with TNP, IOM and the NGOs. In the first half of 2008, Jandarma disrupted 21 trafficking incidents (eight tied to organized crime), apprehended 117 traffickers, and saved 77 trafficking victims. Konya described in detail the Jandarma's rescue in October 2008 of 26 victims from Turkmenistan, Georgia, Kyrgyzstan, Kazakhstan and Uzbekistan, trafficked by an illegal employment agency to Ankara (where they were held in safe houses in the immediate neighborhood of the U.S. Embassy) for domestic servitude. Konya shared with Donnelly surveillance photographs and other materials from the file that illustrated the complexity of and role of technology in a successful anti-trafficking operation. (NOTE: Donnelly did not have an opportunity to discuss in detail the status of these particular victims with the TNP Foreigners' Police, which would have had responsibility for them once they were rescued and transferred by Jandarma; it is unclear why the victims do not appear to have been transferred ultimately to the shelters. Post TIP officer will follow-up. END NOTE.)

¶17. (SBU) Terzioglu discussed elements of Turkey's referral mechanism with Donnelly. The TNP Foreigners' Department, he noted, is authorized to determine who is a victim. Jandarma transfers foreigners to the TNP per a long-standing MOU. While one agency (or department within TNP) might identify a certain number of victims in an operation, the TNP Foreigners' Department could identify another, perhaps lower number. TNP works in partnership with IOM and NGOs on victim identification and referral, and with IOM on repatriation of victims (where there is a bilateral protocol), but cooperation with NGOs and IOM on victim identification is inconsistent, according to NGO and IOM interlocutors. HRDF staff said significant gaps remain in the referral mechanism;

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they were sure some victims are not being identified and thus deported. Indeed, Busatti noted that IOM data on victims in source countries, e.g., Ukraine and Moldova, does not match Turkish figures. Moreover, non-identified victims who are re-trafficked to Turkey are much less likely to be identified by the TNP if screened a second time.

¶18. (SBU) Terzioglu said that if a victim wishes to remain in

Turkey for an extended period of time, she may be issued a humanitarian visa (valid for six months and renewable for another six). But FWS Ankara shelter staff informed Donnelly that humanitarian visas are, in fact, often difficult to secure, as the GOT requires the applicant to have proof of employment in Turkey. One FWS staffer asked how a trafficking victim without an existing visa could hope to have secured employment in Turkey. Moreover, how long and where potential victims are held before they are screened and while they provide testimony to law enforcement remains uncertain. The two shelters are often far from a police or Jandarma operation and Turkey lacks facilities to house irregular migrants. In one case, Konya told Donnelly the Jandarma housed a trafficking victim in its own offices. Many victims thus may be providing evidence to law enforcement under duress, before they have a chance to recover from their trauma, and may be less likely to cooperate against their exploiters. Busatti said establishing non-detention facilities for potential victims would also help address victim identification problems. Huner explained that the Istanbul Foreigners' Police housed potential victims in police foreigners' guesthouses/detention centers while awaiting their status. He underscored the Istanbul Foreigners' Police Unit's commitment to victim sensitivity, noting that it has 211 officers, of which 100 are trained in anti-trafficking issues. Huner explained that six female officers are designated to interact with female trafficking victims and that he would like to hire more female officers to further assist.

PUTTING TRAFFICKERS, INCLUDING PUBLIC SERVANTS, BEHIND BARS

¶19. (SBU) MOJ Judges Gokcen Turker and Tufhan Turan recounted the steps Turkey has taken to expand training of judges and prosecutors and to develop a sound legal framework to fight TIP. The key element is the 2006 amendment of Turkish Penal Code Article 80, which added forced prostitution to the statute criminalizing TIP with penalties of 8-12 years plus fines. Turker informed Donnelly that, due to the severe penalties, Article 80 convictions remain difficult to secure, particularly without victim testimony in court. The testimony victims provide to law enforcement may be enough to bust a trafficking ring, but it is not always enough to secure an Article 80 conviction. The newly-adopted witness protection law (see paragraph 5), she believes, will help encourage more victims to testify against suspected traffickers. So far this year, two Article 80 convictions have been handed down. Each suspect was sentenced to eight years and \$75,000 in fines. Turker emphasized, however, that there are other routes to securing a conviction; a Turkish judge retains the discretion to use another article, such as the forced prostitution Article 227, to convict a suspect if the judge believes an Article 80 conviction might not be achievable. The penalties are less, however, averaging about three years.

¶20. (SBU) Turker provided information on the convictions in June 2008 of a police officer and police clerk (these appear to be the same individuals noted in post's 2008 TIP Report submission) under the statutes for mediating prostitution, assisting an illegal organization, and sharing state secrets. Both officials are in prison. Turker informed us that the MOJ is developing a database to compile statistics on public servants prosecuted and convicted for trafficking offenses. Terzioğlu later handed Donnelly data (in Turkish; post will translate) specifying the convictions and sentences of 38 public servant traffickers in 2008, underscoring that the police will not tolerate official involvement in trafficking.

MEASURES TO CURTAIL LEGAL PROSTITUTION MAY EXPOSE PROSTITUTES TO GREATER ABUSE

¶21. (SBU) Donnelly met in Istanbul with Ayse Tukrukcu, a former sex worker and parliamentary candidate, and, in Ankara, with Oksam Oztok, President of the Association to Support Human Life, an NGO advocating for rights of

transgender people and prostitutes. Oztok was joined by two current sex workers and other staff and associates. While concerned about the plight of trafficked women in Turkey, these sex workers and advocates emphasized the need for protection, fair housing and respect for Turkey's prostitutes, who are often abused by residents, clients and police. The ruling Justice and Development Party, which governs Istanbul, Ankara and most other large cities, disapproves of brothels and has closed many. Only about two thousand sex workers remain in Turkey's remaining legal brothels, while some 35,000 have petitioned to be registered to work legally as prostitutes. A legal brothel may offer some protection -- HIV testing and the opportunity to collect a social security pension upon retirement -- but the situation is hardly less exploitative. Many legal sex workers find themselves indebted to the brothel owner for most of their careers and, because brothel owners often pay social security only occasionally, many legal sex workers do not have the luxury of a secure retirement. Some of these legal sex workers may also have been sold by their families into this career. Foreign women are not permitted to work in legal brothels, and our contacts did not suggest legal brothels contribute substantially to TIP. Most foreign trafficked women work in hotels or in rented houses where they are "bought" or "rented" by wealthier Turkish clients. Foreign women rarely work on Turkish streets, though one sex worker observed that some work along Turkish highways, catering to truck drivers. Istanbul is Turkey's largest prostitution center, followed by Antalya, Mugla (Bodrum) and Trabzon. Ankara has comparatively few prostitutes.

122. (U) Donnelly cleared this message.

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Jeffrey